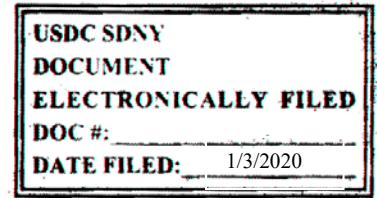


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X  
**MIRIAM MENDEZ, et al.,**

**Plaintiffs,**

**16-CV-05562 (SN)**

**-against-**

**ORDER**

**K&Y PEACE CORP., et al.,**

**Defendants.**


-----X  
**SARAH NETBURN, United States Magistrate Judge:**

On December 11, 2019, the parties submitted a proposed settlement, to which one plaintiff, Noe Alfredo Francisco Avila (“Mr. Francisco”), was not a signatory. See ECF No. 236. The Court had previously informed the parties by its December 5, 2019 Order that it would consider whether to dismiss any non-signatory plaintiffs for failure to prosecute and gave the parties an opportunity to present their positions on the issue. ECF No. 235. By Order dated December 18, 2019, the Court ordered the parties to submit a modified agreement by January 3, 2020. ECF No. 239. On December 23, 2019, the parties filed a second proposed settlement agreement, which is identical to the initial proposed settlement agreement except it includes Mr. Francisco’s purported signature to execute the agreement. ECF No. 240.

By January 10, 2020, Plaintiff Mr. Francisco and his counsel are each directed to file sworn affidavits explaining: (1) the reasons Mr. Francisco was previously unavailable for trial, the subsequent status conference, and the signing of the initial proposed settlement agreement (a timeframe spanning nearly two months); and (2) how Plaintiffs’ counsel was able to locate him

within a week of the Court's December 18, 2019 Order for purposes of executing the second proposed settlement agreement. No extensions to this deadline will be granted.

**SO ORDERED.**

  
\_\_\_\_\_  
SARAH NETBURN  
United States Magistrate Judge

DATED: January 3, 2020  
New York, New York

cc: Kwan Chi (*by Chambers*)  
11 Jean Ct.  
Old Tappan, NJ 07675

Sun Mi Chi (*by Chambers*)  
11 Jean Ct.  
Old Tappan, NJ 07675

Susanne Toes Keane, Esq., limited-scope counsel for Sun Mi Chi – *by email*